

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROCKET HOMES ROCKET
MORTGAGE,

Plaintiff,

v.

JOJEAN JODLOWSKI,

Defendants.

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Case No. 1:23-cv-606

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Karen L. Litkovitz on November 27, 2023 (Doc. 9), which recommends that this Court dismiss this matter without prejudice and terminate it on the docket of this Court. For the reasons stated more fully below, the Court **ADOPTS** the Report and Recommendation and **DENIES** the Motion to Send Cease & Desist to Chryssa Hartnett (Doc. 12) **AS MOOT**.

On September 25, 2023, JoJean Jodlowski submitted a Complaint/Notice of Removal for filing. Doc. 1. Ms. Jodlowski did not pay the required filing fee or request leave to proceed *in forma pauperis* to file this action. The Court issued a Notice of Deficiency the following day, which alerted Ms. Jodlowski to the filing fee requirement and instructing her to pay the required fee or file a Motion for Leave to proceed *in forma pauperis* within 30 days. Doc. 2. Ms. Jodlowski filed three documents in response to the Notice of Deficiency, but none of the documents filed satisfied the filing requirements. Doc. 3–5.

On October 27, 2023, the Magistrate Judge issued an order requiring Ms. Jodlowski to pay the filing fee or file a motion to proceed *in forma pauperis* within 30 days. Doc. 6 (the “Deficiency Order”). Ms. Jodlowski was warned that failure to comply with the Deficiency Order could result in dismissal of the case. Doc. 2 at PageID 370. Ms. Jodlowski then filed a “notice of motion” and “affidavit in support of motions,” which appear to address the merits of the underlying action. Doc. 7, 8. Neither filing satisfies the filing fee requirements of this Court.

When Ms. Jodlowski failed to comply with the Deficiency Order, the Magistrate Judge issued the Report and Recommendation that her case be dismissed without prejudice and terminated on the docket of this Court. Doc. 9. The Report and Recommendation advised the parties that failure to file specific written objections within 14 days could result in forfeiture of rights on appeal. *Id.* at PAGEID 533. Although Ms. Jodlowski has since submitted several filings, none of the documents filed contain objections to the proposed findings and recommendations. *See* Doc. 10–13; *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.”).

Because no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court reviews the Report and Recommendation for clear error. *See* Fed.R.Civ.P. 72(b) advisory committee notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *Redmon v. Noel*, No. 1:21-CV-445, 2021 WL 4771259, at *1 (S.D. Ohio Oct. 13, 2021) (collecting cases).

The Court has reviewed the Report and Recommendation and determined that it does not contain clear error. Therefore, the Court **ADOPTS** the Report and Recommendation in its entirety.


Accordingly, it is hereby **ORDERED** that

1. The Complaint/Notice of Removal (Doc. 1) be **DISMISSED** without prejudice and terminated on the docket of this Court.
2. Defendant's Motion to Send Cease & Desist to Chryssa Hartnett (Doc. 12) is **DENIED** as moot.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: January 29, 2024


Hon. Jeffrey P. Hopkins
United States District Judge